

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7747 of 1990

with

SPECIAL CIVIL APPLICATION No 584 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

SARABHAI CHEMICALS

Versus

HARIVADAN M THAKKAR

Appearance:

1. Special Civil Application No. 7747 of 1990
MR Vimal Patel for Mr. KS NANAVALI for Petitioner
MR MS MANSURI for Respondent No. 1
 2. Special Civil Application No 584 of 1993
Mr. MS Mansuri for petitioner.
MR Vimal Patel for Mr KS NANAVALI for respondent.
-

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 23/03/2000

ORAL JUDGEMENT

Learned advocate Mr. Vimal Latel has appeared for the petitioners herein and the learned advocate Mr. Mansuri has appeared for the respondent workman.

Both the petitioners were taken up for final hearing pursuant to the note dated 21st March, 2000 filed by M/s. Nanavaty Associates for the petitioners in which it has been mentioned that during the pendency of the present petitions, the parties have amicably settled the matter on 8th March, 2000 and in pursuance to the aforesaid settlement, the parties have agreed to submit joint purshis before this court inter alia praying to pass the appropriate orders in terms of the said settlement dated 8th March, 2000. Said purshis dated 8th March, 2000 is taken on record. The purshis has been signed by one Mr. P. N. Raval, General Manager P & A, ASE Ltd. Baroda for the petitioner Company and by the respondent workman namely Harivadan M. Thakkar.

In the present petition, the award dated 26th July, 1990 passed by the labour court in reference no. 578 of 1987 is the subject matter of challenge whereby the labour court has granted reinstatement with continuity of service to the respondent with 75% of the back wages for the intervening period. The company has filed the petition being special civil application no. 7747 of 1990 challenging the reinstatement of the workman with 75% of the back wages for the intervening period whereas the workman has filed the petition being special civil application no. 584 of 1993 and has challenged the said award in so far as denial of 25% of the back wages for the intervening period is concerned.

Since the parties have amicably settled the matter as per the settlement dated 8th March, 2000, the impugned award is required to be modified in terms of the said settlement with a directions to the parties to act in terms of the said settlement and abide by the terms of the said settlement.

In view of the above, the award impugned herein is modified in terms of the settlement dated 8th March, 2000. The parties are directed to act in terms of the said settlement and abide by the said settlement. Rule is made absolute in terms indicates hereinabove in both the petitions with no order as to costs.

23.3.2000. (H.K.Rathod, J.)

Vyas